

**FILED**

**OCT 28 2000**

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS**

**IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF**

**JAMES APITO, D.C.  
License No. M-2184**

**TO PRACTICE CHIROPRACTIC  
IN THE STATE OF NEW JERSEY**

**Administrative Action**

**FINAL ORDER  
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

**FINDINGS OF FACT**

1. Respondent is a chiropractor in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On June 15, 1998 respondent entered a guilty plea to Possession of a Controlled Dangerous Substance (Heroin) and Possession of Drug Paraphernalia in New Jersey Superior Court, Law Division, Somerset County. Specifically:

In January 1998, Franklin Township Police were dispatched to the respondent's apartment on a complaint of domestic dispute, at which time, respondent was found to be in possession of heroin. At the time of his guilty plea, respondent Apito indicated to the court that he had used heroin since 1993. The sentencing report also indicated that he had a conditional

discharge, drug offense, back in 1988 and another drug matter in 1997. Respondent informed the court that his drug addiction began while in college using marijuana, later snorting cocaine and since 1993 using heroin. Respondent further testified to the Court that he had not attended or completed any drug abuse programs. (Copy of Certified Judgment of Conviction with attachments annexed hereto and made a part hereof)

3. The following sentence was ordered: Three years probation beginning on September 18, 1998, drug and alcohol evaluation and treatment, 50 hours community service and mandatory fines and penalties.

4. The Board reviewed the transcript of the appearance by respondent before the Preliminary Investigation Committee on July 9, 1998 and requested that respondent enroll at the William J. Farley Center in Williamsburg, Virginia for a four day assessment for impaired professionals.

5. Respondent requested that the Board review and accept the drug and alcohol evaluation performed at the direction of the Superior Court of New Jersey by the Program for Addiction Consultation and Treatment ("PACT") conducted at St. Peter's Medical Center in New Brunswick, New Jersey in lieu of the assessment at the Farley Center. Respondent provided a release to PACT authorizing them to submit the evaluation from this program to the Board.

6. The Board at its September 23, 1999 meeting reviewed the evaluation and notes from respondent's October 21, 1998 and November 18, 1998 sessions at PACT and concluded that the evaluation provided was not adequate to address the licensee's long term addiction, as the PACT evaluation did not provide any indication of the licensee's ability to practice chiropractic.

#### CONCLUSIONS OF LAW

1. The above conviction provides grounds for the suspension of his license to practice Chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(f) in that it is based on a crime of which

respondent was convicted is one of moral turpitude and/or relates adversely to the practice of chiropractic.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice chiropractic in the State of New Jersey was entered on February 22, 2000 and a copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date nor has the respondent submitted an evaluation for the Board's review. Accordingly the Board considered the matter, determined that further proceedings were not necessary and Provisional Order should be made final.

ACCORDINGLY, IT IS on this 26<sup>th</sup> day of October, 2000,

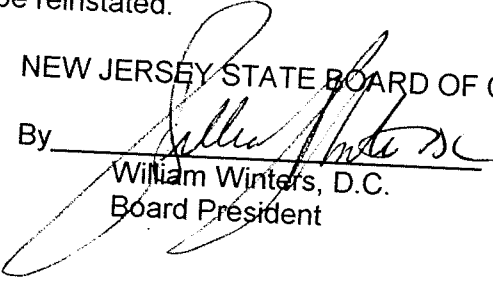
ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey be and hereby is suspended until the respondent participates and submits an evaluation for a four day assessment for impaired professionals at the William J. Farley Center in Williamsburg, Virginia and

the Board is provided the opportunity to review the results of the evaluation and consider the findings therein.

2. Prior to resuming active practice in New Jersey respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to do so, and any practice in this State prior to said appearance shall constitute grounds for the a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By    
William Winters, D.C.  
Board President